

**SYSTEM BY WHICH AN APPLICATION FOR A LOW INCOME
HOUSING TAX CREDIT IS SCORED****CHAPTER 954**

S.B. No. 1316

AN ACT

relating to the system by which an application for a low income housing tax credit is scored.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 2306.6710(b) and (f), Government Code, are amended to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of a resolution concerning the development that is voted on and adopted by the following, as applicable:

(i) the governing body of a municipality in which the proposed development site is to be located;

(ii) subject to Subparagraph (iii), the commissioners court of a county in which the proposed development site is to be located, if the proposed site is to be located in an area of a county that is not part of a municipality; or

(iii) the commissioners court of a county in which the proposed development site is to be located and the governing body of the applicable municipality, if the proposed site is to be located in the extraterritorial jurisdiction of a municipality;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) ~~the commitment of development funding by local political subdivisions;~~

~~[(F)]~~ the rent levels of the units;

(F) ~~[(G)]~~ the cost of the development by square foot;

(G) ~~[(H)]~~ the services to be provided to tenants of the development;

(H) ~~[(I)]~~ whether, at the time the complete application is submitted or at any time within the two-year period preceding the date of submission, the proposed development site is located in an area declared to be a disaster under Section 418.014;

(I) ~~[(J)]~~ quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state or county in which the development is to be located and whose boundaries contain the proposed development site; and

(J) ~~[(K)]~~ the level of community support for the application, evaluated on the basis of a written statement from the state representative who represents the district containing the proposed development site;

(2) uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations made in the application round preceding the current round or a developer or principal of the applicant that has been removed by the lender, equity provider, or limited partners for its failure to perform its obligations under the loan documents or limited partnership agreement; and

(3) encourages applicants to provide free notary public service to the residents of the developments for which the allocation of housing tax credits is requested.

(f) In evaluating the level of community support for an application under Subsection (b)(1)(J) [(b)(1)(K)], the department shall award:

- (1) positive points for positive written statements received;
- (2) negative points for negative written statements received; and
- (3) zero points for neutral statements received.

SECTION 2. Section 2306.6725, Government Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) In allocating low income housing tax credits, the department shall score each application using a point system based on criteria adopted by the department that are consistent with the department's housing goals, including criteria addressing the ability of the proposed project to:

- (1) provide quality social support services to residents;
- (2) demonstrate community and neighborhood support as defined by the qualified allocation plan;
- (3) consistent with sound underwriting practices and when economically feasible, serve individuals and families of extremely low income by leveraging private and state and federal resources, including federal HOPE VI grants received through the United States Department of Housing and Urban Development;
- (4) serve traditionally underserved areas;
- (5) *demonstrate support from local political subdivisions based on the subdivisions' commitment of development funding;*
- (6) *rehabilitate or perform an adaptive reuse of a certified historic structure, as defined by Section 171.901(1), Tax Code, as part of the development;*
- (7) remain affordable to qualified tenants for an extended, economically feasible period; and

(8) [(6)] comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C.

(e) *In establishing for the 2016 and 2017 qualified allocation plans the scoring criterion related to the commitment of development funding by local political subdivisions, the department shall significantly reduce for each place regardless of population the amount in funding, per low income unit, that is required for a proposed project to receive the applicable number of points for that criterion. After the reduction, the amount of required funding may be a de minimis amount.*

(f) *Subsection (e) and this subsection expire September 1, 2019.*

SECTION 3. The change in law made by this Act applies only to an application for a low income housing tax credit that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that begins on or after the effective date of this Act. An application that is submitted during an application cycle that began before the effective date of this Act is governed by the law in effect at the time the application cycle began, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

Passed the Senate on May 13, 2015: Yeas 22, Nays 9; May 28, 2015, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2015, House granted request of the Senate; May 31, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 21, Nays 10; passed the House, with amendments, on May 27, 2015: Yeas 125, Nays 18, three present not voting; May 30, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 120, Nays 22, three present not voting.

Approved June 18, 2015.

Effective September 1, 2015.

**PROSECUTION OF THE OFFENSE OF INVASIVE VISUAL
RECORDING****CHAPTER 955**

S.B. No. 1317

AN ACT**relating to the prosecution of the offense of invasive visual recording.***Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The heading to Section 21.15, Penal Code, is amended to read as follows:

Sec. 21.15. **INVASIVE** ~~[IMPROPER PHOTOGRAPHY OR]~~ **VISUAL RECORDING.**

SECTION 2. Sections 21.15(a) and (b), Penal Code, are amended to read as follows:

(a) In this section:

(1) “Female breast” means any portion of the female breast below the top of the areola.

(2) “Intimate area” means the naked or clothed genitals, pubic area, anus, buttocks, or female breast of a person.

(3) “Changing room” means a room or portioned area provided for or primarily used for the changing of clothing and includes dressing rooms, locker rooms, and swimwear changing areas.

(4) “Promote”~~;~~ ~~“promote”~~ has the meaning assigned by Section 43.21.(b) A person commits an offense if, *without the other person’s consent and with intent to invade the privacy of the other person*, the person:(1) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of an intimate area of another person if the other person has a reasonable expectation that the intimate area is not subject to public view; ~~[another at a location that is not a bathroom or private dressing room:~~~~[(A) without the other person’s consent; and~~~~[(B) with intent to arouse or gratify the sexual desire of any person;]~~(2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another in a bathroom or changing room ~~[another at a location that is a bathroom or private dressing room:~~~~[(A) without the other person’s consent; and~~~~[(B) with intent to:~~~~[(i) invade the privacy of the other person; or~~~~[(ii) arouse or gratify the sexual desire of any person]; or~~

(3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described by Subdivision (1) or (2).

SECTION 3. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.451 to read as follows:

Art. 38.451. EVIDENCE DEPICTING INVASIVE VISUAL RECORDING OF CHILD.(a) *During the course of a criminal hearing or proceeding concerning an offense under Section 21.15, Penal Code, that was committed against a child younger than 14 years of age, the court shall not make available or allow to be made available the copying or dissemination to the public property or material that constitutes or contains a visual image,*